

Altera Law Group, LLC

Intellectual Property Law

6500 City West Parkway - Suite 100, Minneapolis, MN 55344-7704 USA

FACSIMILE TRANSMISSION COVER SHEET

FROM: Altera Law Group, LLC

PHONE NO.: 952-253-4100

INTERNET: mail@AlteraLaw.com

FAX NO.: 952-912-0574

August 30, 2004

Fax No.: (703) 872-9306

Pages: 3

Phone No.: (703) 305-4898

TO: Commissioner for Patents and
Trademarks

FROM: Hallie A. Finucane

ATTN: Examiner Vi X. Nguyen
Alexandria, VA 22313-1450

Applicant: Kuehn, et al.

Serial No.: 09/694293

Filed: October 23, 2000

Group Art Unit: 3731

Docket No.: 01610.0113-US-11

Title: MITRAL AND TRICUSPID VALVE REPAIR

Documents Transmitted:

This Facsimile Transmission Cover Sheet (1 page)

Response to Restriction Requirement (2 pages)

Please charge any fees or credit any overpayment to Deposit Account 50-1038.

Respectfully submitted,

Altera Law Group, LLC
Customer No. 22865

Date: August 30, 2004

By:



Hallie A. Finucane

Reg. No. 33,172

HAF/mar

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark
Office, Fax No. (703) 872-9306 on August 30, 2004_____
Name of Person Signing This Certificate
Signature

If you did NOT receive all of the pages, please call us in the U.S.A. at 952-253-4100 or fax us at 952-912-0574.

This transmission contains information that is confidential and/or legally privileged. It is intended for use only by
the person to whom it is directed. If you have received this telecopy in error, please notify us by telephone
immediately so that we can arrange for the return of the original documents to us.

Serial No. 09/694293

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kuehn, et al.

Examiner: V. Nguyen

Serial No.: 09/694293

Group Art Unit: 3731

Filed: October 23, 2000

Docket No.: 01610.0113-US-11

Title: MITRAL AND TRICUSPID VALVE REPAIR

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office, Fax No. (703) 872-9306 on August 30, 2004.

Michele Read
Name of Person Signing This Certificate

Michele Read
Signature

RESPONSE TO RESTRICTION REQUIREMENTRECEIVED
CENTRAL FAX CENTER

AUG 30 2004

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement dated July 30, 2004, Applicants hereby elect Species III (Figure 15g) with traverse. Election of species should be required prior to a search on the merits in all applications containing claims to a plurality of species with no generic claims. MPEP §808.01(a). The Examiner has stated that there is no generic claim. Further, a reasonable number of species may be claimed in one application. 37 C.F.R. §1.141. The Examiner has cited four species, which is a reasonable number of species in one application. Even though there have been four (4) office actions in this case, this is the first time the species election was raised. Since the Examiner has already examined this case on the merits, there should be no additional burden on the Examiner to continue the prosecution of the case without the

necessity of this species election. Applicants believe that at least claims 1, 3, 4, 5, 7, 8, 9 10, 11, 13, 18, 20, 23, 24, 25, 26, 28, 30, 31, 32, and 33 read on Species III.

Any questions regarding this communication should be directed to the undersigned attorney at (952) 253-4134.

Respectfully submitted,

Altera Law Group, LLC
Customer No. 22865

Date: August 30, 2004

By: Hallie A. Finucane
Hallie A. Finucane
Reg. No. 33,172
HAF/mar